This amendment responds to the office action mailed September 17, 2004. In the office action the Examiner:

- rejected claim 1 as under doctrine of obviousness-type double patenting as being unpatentable over claim 1 of US 6,640,292.

- rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Eberhard et al. (US 6,442,655) and Harriman (US 6,330,645).

    After entry of this amendment, the pending claims are: claims 2-25

*Overview of Changes to Claims*

Claim 1 has been cancelled. New claims 2-25 have been added. Support for the amendments is found in the specification in paragraph 47, in paragraphs 60-80, and Figs. 6-9. As such, these amended claims do not constitute new matter.

*Double Patenting*

A terminal disclaimer in compliance with 37 CFR 1.321(c) with respect to the commonly owned patent US 6,640,292 is enclosed. Removal of this ground for rejection is requested.

*35 USC 103(a) Rejection*

Claim 2 in the present application contains the limitation: "wherein the write data corresponding to the write address is transferred from the buffer to the memory device in accordance with at least a current command." Eberhard et al. indicates that "Retrying the request on the system bus 100 provides an opportunity for the requests held in queue 40 or 50 to advance … (col. 2, lines 34-36)." In addition, Eberhard et al. indicates that "If the request previously held in queue has not yet been serviced and retired, i.e., removed from the queue, the incoming request is again rejected and retried on the system bus by the coherency control mechanism, allowing queues 40, 50 to advance further (col. 2, 39-43)." In Eberhard et al., commands in the queue are processed independently of the current command. Therefore, Eberhard et al. does not achieve all of the limitations of the claim 2 in the present application.

Similarly, Harriman indicates that "When the memory access request is a request to perform a write to memory data from the write request may be placed in a write buffer 226 e.g. for storage until such time as the arbiter is prepared to grant the write request (col. 4, lines 57-60)." The arbiter is used to assure coherency. As described in col. 4, lines 20-40, the arbiter bases the command processing order on the speed with which some devices

process commands. In short, Harriman does not transfer data from the buffer to the memory device in accordance with at least a current command. Thus, Harriman does not achieve all limitations of claim 2 in the present application.

Since the combination does not achieve all the limitations of the independent, and thus the dependent claims, it is not *prima facie* obvious. Removal of this ground for rejection is requested.

## *Prior Art Made of Record*

The Examiner indicates that several references not relied upon are considered pertinent to the present application. Under 37 CFR 1.111(b), "(t)he reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any <u>applied</u> references" (emphasis added). It is respectfully noted that the office action did not apply any of these listed references to any of the pending claims. Nevertheless, the applicant observes that none of these cited references teaches alone or in combination all the limitations of the pending claims.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Respectfully submitted,

Date:   December 17, 2004                                          31,066

Gary S. Williams                                                  (Reg. No.)
**MORGAN, LEWIS & BOCKIUS LLP**
2 Palo Alto Square, Suite 700
3000 El Camino Real, Suite 700
Palo Alto, California  94306
(650) 843-4000